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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,540

12/28/2004

Jens Fennen

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WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

KHAN, AMINA S

ART UNIT

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1796

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,540	Applicant(s) FENNEN ET AL.	
	Examiner AMINA KHAN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17, 18, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on January 23, 2008.
2. Claims 1-18, 35-36 are pending. Claims 19-34 have been cancelled. Claims 35 and 36 are new. Claims 1-18 have been amended.
3. The objection to the specification is withdrawn.
4. Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,750,188) in view of Komforth et al. (US 6,033,590) and further in view of Bank et al. (US 5,209,775).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13,17,18,35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,750,188) in view of Komforth et al. (US 6,033,590).

Baker et al. teach washing natural leather shoes (column 6, lines 20-25) after tanning and fatliquoring procedures (column 2, lines 15-20) with compositions comprising tetraethylenepentamine, which has been ethoxylated (column 39, lines 50-55), and water proofing agents (column 6, lines 15-20) at 0.01-90% (column 7, lines 20-25) at temperatures of 15°C to 82°C (column 75, lines 5-20).

Baker et al. do not teach the pretanning with dialdehydes and retanning steps.

Komforth et al. teach that it is convention to tan leathers followed by retanning and fatliquoring (column 1, lines 5-15), wherein the tanning agent may be glutaraldehyde (column 3, lines 24-30), the retanning agent may be polybutadienes (column 3, lines 34-36), wherein anionic dyes, neutralizing agents and fatliquoring agents can be used in the treatment liquor in percentages of 0-55% (column 3, lines 40-67; column 4, lines 1-25 and 40-68). Komforth et al. further teach this process is used in making shoes (column 5, lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to wash shoes prepared by the methods of Komforth, which incorporate the shoe tanning, retanning and fatliquoring steps, with the washing methods taught by Baker because Komforth teaches these methods are effective in preparing tanned leather shoes and Baker teaches his method for carefully preserving the tanning treatment during laundering of natural leather shoes. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

Allowable Subject Matter

7. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims are allowable because the prior art of record do not teach or fairly suggest compositions with the silanes of formula VI.

Response to Arguments

8. Applicant's arguments filed regarding Baker in view of Komforth and further in view of Bank have been fully considered but they are not persuasive. The applicant's argue that Baker and Bank are not directed towards treatment of a raw product rather an already final product and Komforth et al. do not differentiate between wet-white leather and wet-blue leather. The examiner respectfully disagrees with applicant's arguments. Nothing in the instant claims requires the treatment of a "raw product". The examiner argues that the instant claims recite both skins and leather, of which leather would be a final product. Applicant's arguments regarding wet-white leather and wet-blue leather are also moot since the instant claims do not necessitate the presence of wet-white leather nor prohibit the presence of wet-blue leather. The claims are simply directed towards treating leather with an anionic reagent such as an anionic dye followed by an organic polyamine which is clearly met by the prior art. Komforth further teaches making shoes from these treated leathers (column 5, lines 55-60). Baker is relied upon to demonstrate that that leather shoes previously treated with fatliquors and

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tanning agents are conventionally washed (column 2, lines 15-20) and that detergents comprising the tetraethylenepentamine (column 39, lines 50-55) are useful as polymer dispersants in washing compositions which provide shoes with protection during a treatment cycle. For this reason there is motivation to combine Baker and Komforth.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMINA KHAN whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796

/Amina Khan/
Examiner, Art Unit 1796
May 4, 2008